

THE HON'BLE SRI JUSTICE D.S.R.VARMA

Writ Petition No.27615 of 1995

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Dated: 08th August, 2006

Between:

Ch.Venu, S/o.Venkata Appalachary,
Aged about 32 years,
Occ: Non-formal Education Supervisor,
Maripeda Cluster (BPO Gundepudi),
Mahabubabad Project, Warangal district

... Petitioner

and

1. The Project Officer,
Non-formal Education,
Mahabubabad Project, Warangal Dist.
and two others

... Respondents

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Oral Order:

Heard.

2. The grievance of the petitioner is that even though he was working as Non-formal Education Supervisor since 1989, he was not allowed to function in the said capacity since 1995. He states that he was not paid the salaries also from March, 1994.

3. In the counter-affidavit filed by the first respondent, it is stated that it is only an honorarium that was being paid to the petitioner. In other words, there was no Pay Scale at all, which is a further indicative that the petitioner was not a regular employee. It appears, his duty was only to supervise the meetings, that too on honorarium basis. His appointment, apparently, is not a regular employment and the same is only a contingent arrangement, in which case, he has no vested right for the appointment in the capacity of Non-formal Education Supervisor. At best, he has a right of being considered by the respondent.

4. It further appears that a representation has also been made by the petitioner and the same was considered and rejected by the second respondent. When such is the case, this Court cannot direct the respondents to take the petitioner into service and pay honorarium.

5. It is settled law that there is no indefeasible for any person to have appointment as a matter of right. It is the prerogative of the employer as to fill up a vacancy or not.

6. It is the persistence of the complaint of the learned Counsel appearing for the petitioner that the salaries/honorarium was not paid to the petitioner for some period, which was not made clear in which he worked as a Non-formal Education Supervisor. No details are mentioned in the affidavit or forthcoming before this Court. Hence, opportunity is accorded to the petitioner to make a representation to the respondents in this regard

and the same may be considered in accordance with law after due verification.

7. With the above observations, this Writ Petition is disposed of. No costs. It is needless to state that the interim applications pending, if any, shall stand closed.

D.S.R.VARMA, J

08th August, 2006.

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